

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

Civil Action No. 3:23-cv-00073-SMR-WPK

EMILY COHEN,

Plaintiff,

v.

Iowa City, Iowa, an Iowa municipality, et al.

Defendants.

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE *IFP*
APPLICATION AND RENEWED MOTION FOR DECLARATORY RELIEF**

Plaintiff, proceeding pro se, respectfully submits this Motion for Extension of Time to File the In Forma Pauperis (IFP) Application and a Renewed Motion for Declaratory Relief. This motion is made pursuant to Federal Rule of Civil Procedure 6(b) and is based on Plaintiff's communication disability. Plaintiff's request for enlarged font as a communication disability accommodation remains unaddressed by the Court, and Plaintiff does not yet have the IFP application form in the enlarged print required to accommodate her dyslexia.

I. Motion for Extension of Time to File IFP Application

Due to Plaintiff's dyslexia, Plaintiff requires that the IFP application form and other court documents be provided in enlarged font to ensure meaningful access to the judicial process. As of the date of this motion, the Court has still not responded to Plaintiff's accommodation request, leaving Plaintiff without the necessary materials in an accessible format. Plaintiff requests an extension of time to file the IFP application to allow Plaintiff sufficient time to review and complete the required documentation once an accommodation is provided, which timeline only the Court can influence as it continues to refuse to provide enlarged font or any other disability accommodations.

II. Renewed Motion for Declaratory Relief

Plaintiff seeks declaratory relief to clarify her rights and the obligations of the Court in providing the requested communication disability accommodation. The Court has not yet provided guidance on the process by which Plaintiff can request and receive accommodations for her dyslexia, creating a barrier to Plaintiff's access to justice. Accordingly, Plaintiff requests that the Court issue a declaration affirming Plaintiff's right to receive documents in an accessible format and providing clear instructions on how Plaintiff can request and obtain such accommodations from the Court.

III. Legal Argument

The Court asserted that it has no duty to accommodate a communication disability because the ADA applies to state entities, but it neglected to address the Rehabilitation Act, which mandates that public entities who receive federal funding, such as the federal court and the offices operating within in, must provide accommodations to ensure individuals with disabilities have equal access to services, including access to court documents. Courts must “take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.” 28 C.F.R. § 35.160(a)(1).

In *Lue v. Moore*, 43 F.3d 1203 (8th Cir. 1994), the Eighth Circuit held that a federal entity’s failure to provide reasonable accommodations to individuals with disabilities constitutes a violation of both the ADA and the Rehabilitation Act. Further, according to the Judicial Conference, “Courts are required to provide reasonable accommodations to individuals with disabilities to ensure access to judicial programs and activities.” See Judicial Conference of the United States, *Guide to Judiciary Policy*, Vol. 5, Ch. 2.

Plaintiff’s right to effective communication accommodations is clear under federal law, and the Court’s continued non-response to Plaintiff’s request for an enlarged-font IFP application prevents Plaintiff from accessing the judicial process on an equal basis and from communicating with the Court in a manner that is as effective as its communications with other filers. Accordingly, Plaintiff again

requests declaratory relief to clarify how she can request and receive accommodations to file her IFP application and access Court materials.

IV. Conclusion

For the foregoing reasons, Plaintiff respectfully requests that the Court:

1. Grant an extension of time to file the IFP application and order that Plaintiff be provided with the application in enlarged font or OpenDyslexic font.
2. Issue a declaratory judgment specifying the process by which Plaintiff can request and obtain communication disability accommodations from the Court to ensure equal access to the judicial process.

Dated: October 31, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2024, a copy of the foregoing was mailed to:

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